

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD  
LOS ANGELES REGION

101 CENTRE PLAZA DRIVE  
MONTEREY PARK, CA 91754-2156  
(213) 266-7500  
FAX: (213) 266-7600



February 4, 1994

Ms. Lynn M. Gallagher, Esq.  
Swidler & Berlin  
3000 K Street, N.W., Suite 300  
Washington, D.C., 20007-5116

RE: PACIFIC AIRMOTIVE CORPORATION PETITIONS (STATE BOARD FILE  
NUMBERS A-835 AND A-848)

In accordance with the substance of your telephone conversations with our Counsel, Mr. Jorge Leon, I am writing regarding the status of the two petitions filed on behalf of Pacific Airmotive Corporation (PAC). The first, A-835, concerns a Cleanup and Abatement Order (CAO) issued by the Los Angeles Regional Board to PAC and Lockheed Advanced Development Company (Lockheed). The second, A-848, concerns a Request for Technical Report pursuant to the California Water Code Section 13267 issued solely to PAC.

Regarding A-835, Lockheed is actively pursuing the requirements of the CAO at the affected site to the satisfaction of the Regional Board. As long as the required work continues, the Regional Board agrees not to pursue enforcement.

Regarding A-848, it is our understanding that the U.S. EPA has shown interest in the site affected by the Regional Board's Request for Technical Report and that your client is working with both the Regional Board staff and the EPA's staff to resolve the issues. In order to allow time for this matter to be resolved, the Regional Board agrees not to pursue enforcement against PAC until it becomes clear that the present efforts to resolve the matter have failed. Upon such determination, the Regional Board will give PAC thirty (30) days to comply. This will give PAC an opportunity to renew its petition. Penalties will not accrue during the abeyance period.

I propose that your client should request that the State Board place both petitions in indefinite abeyance. The Regional Board would join in that request. Under this approach, the petitions would be held in abeyance for up to two years, which is the maximum period allowed by the State Board. The petitions may be taken out of abeyance at any time upon request of either party.

Ms. Gallagher  
Page 2.

We feel that this approach is beneficial to all parties. Most significantly, it will save the State Board staff substantial effort in handling the petitions. Also, it allows the parties to pursue alternative, hopefully, mutually satisfactory, means to resolve the issues. If you have any questions regarding this matter, please contact Mr. Jorge Leon at (916) 657-2428 or Mr. Yue Rong at (213) 266-7604.



ROBERT P. GHIRELLI, D. Env.  
Executive Officer

cc: Jorge Leon - SWRCB, Office of Chief Counsel  
Jennifer Soloway - SWRCB, Office of Chief Counsel  
David Seter - USEPA, Region IX  
Tom Mintz - USEPA, Region IX  
Ron Helgersen - Lockheed

NOTICE OF DECISION NOT TO USE SPECIAL NOTICE PROCEDURES  
CERTIFIED MAIL: P 104 938 549  
RETURN RECEIPT REQUESTED

Mr. William Gross  
Pacific Airmotive Corporation  
2940 North Hollywood Way  
Burbank, California 91505

Re: Administrative Order No. 94-10  
San Fernando Valley Superfund Site, Area 1  
Burbank Operable Unit

Dear Mr. Gross:

The enclosed Administrative Order, 94-10, requires you to conduct a Partial Remedial Investigation on your property located at 2940 and 3003 North Hollywood Way. The U.S. Environmental Protection Agency ("EPA") has reason to believe that activities at your facility have resulted in vapor and non-vapor phase contamination in the unsaturated zone beneath the surface of your property and may have resulted in the contamination of the underlying groundwater. For this reason, EPA is ordering you to conduct a Partial Remedial Investigation pursuant to Section 106 of the Comprehensive Environmental Response, Compensation, and Liability Act ("CERCLA"), 42 U.S.C. §9606(a).

In this instance, EPA has decided not to invoke the CERCLA Section 122(e) Special Notice procedures. EPA believes that using special notice procedures would neither expedite remedial actions at this site nor be in the public's best interest. Since the San Fernando Valley Superfund Site consists of large areas of contaminated groundwater resulting from multiple sources, EPA has determined that the most expedient way of addressing the problem is to order potentially responsible parties ("PRPs") who refuse to cooperate with regulatory agencies to investigate the suspected source areas with which they are associated. PRPs include anyone who may be liable for the costs incurred by EPA in responding to a release or a threatened release of a hazardous substance to the environment. Such parties may include current or past owners or operators of a facility which released a hazardous substance to the environment or the current or past owners of the property on which a hazardous substance release occurred. PRPs may also include parties who generate, transport, store, or dispose of a hazardous substance.

SYMBOL	RC-33	OAC	DAS	MDY / 4-6	4-13	4-1	
SURNAME	MINTZ	CMH	SETER	Am / 2-1	2-12	2-12	
DATE	2-17-94	2/18/94	2/18/94	2/18/94	2/18/94	2/18/94	

U.S. EPA CONCURRENCES

OFFICIAL FILE COPY



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION IX

75 Hawthorne Street  
San Francisco, Ca. 94105-3901

February 18, 1994

**NOTICE OF DECISION NOT TO USE SPECIAL NOTICE PROCEDURES**  
**CERTIFIED MAIL: P 104 938 549**  
**RETURN RECEIPT REQUESTED**

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Pacific Airmotive Corporation  
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Please be aware that, pursuant to Section XX of this Order, you must provide EPA with written notice of your intent to comply with the Order within two (2) days of the Effective Date of this Order. If EPA does not receive such notification, you will be deemed in violation of the Order. Pursuant to 42 U.S.C. §9607(c)(3), if EPA conducts the Partial Remedial Investigation because you choose not to, you may be liable for up to three (3) times the cost incurred by EPA.

As set forth in Section XXI of this Order, if you desire a conference with EPA to discuss your implementation of the Order, you must make a request within three (3) days of the date of receipt of this Order. The request for a conference must be made by telephone, followed by written confirmation, to Thomas Mintz, Assistant Regional Counsel, 75 Hawthorne Street, San Francisco, California 94105. Mr. Mintz may be reached at (415) 744-1333.

Respectfully,



for Jeffrey Zelikson, Director  
Hazardous Waste Management Division

Enclosure

cc: Robert Ghirelli, California Regional Water Quality Control  
Board, Los Angeles  
Thomas Downs, Swidler & Berlin  
Thomas Mintz, EPA Office of Regional Counsel

**SWIDLER & BERLIN, CHARTERED**

3000 K St., N.W.  
Washington, D.C. 20007  
Fax Number - (202)424-7645

**TELECOPIER TRANSMITTAL**

**TODAY'S DATE:** February 23, 1994

**TIME:** 10:59am

**TRANSMITTAL TO:**

Thomas Mintz, Esq.  
USEPA Region IX  
Office of Regional Counsel  
415-744-1333  
FAX 415-744-1040 (or 1041)

**TOTAL NO. PAGES (including cover page):** 2

**TRANSMITTAL FROM:** Jerome C. Muys, Jr.

**PHONE:** 202-424-7547

**BILLING CODE:** 2992.22

**ADDITIONAL MESSAGE (if any):**

**IF THERE IS A PROBLEM IN THIS TRANSMISSION, PLEASE NOTIFY:**

Linda Crelling  
202-424-7559

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# SWIDLER & BERLIN

CHARTERED

JEROME C. MUYS, JR.  
ATTORNEY-AT-LAWDIRECT DIAL  
(202)424-7547

February 23, 1994

VIA TELECOPY AND REGULAR MAIL

Thomas Mintz, Esq.  
United States Environmental  
Protection Agency, Region IX  
Office of Regional Counsel  
75 Hawthorne Street  
San Francisco, CA 94105-3901

Re: Pacific Airmotive Corporation

Dear Mr. Mintz:

We are writing on behalf of Pacific Airmotive Corporation ("PAC") regarding Administrative Order No. 94-10 executed by EPA on February 18, 1994 (and telecopied to us on February 22, 1994). Pursuant to Section XXI of the Order, PAC hereby requests a conference with EPA's Director of the Hazardous Waste Management Division to discuss the appropriateness of the Order.

Thank you for your cooperation.

Sincerely,

*Jerome C. Muys, Jr.* /2c  
Jerome C. Muys, Jr.

3000 K STREET, N.W. ■ SUITE 300  
WASHINGTON, D.C. 20007-5116  
(202)424-7500 ■ TELEX 701131 ■ FACSIMILE (202)424-7643

TOTAL P.02

SWIDLER  
&  
BERLIN  
CHARTERED

JEROME C. MUYS, JR.  
ATTORNEY-AT-LAW

DIRECT DIAL  
(202)424-7547

February 23, 1994

VIA TELECOPY AND REGULAR MAIL

Thomas Mintz, Esq.  
United States Environmental  
Protection Agency, Region IX  
Office of Regional Counsel  
75 Hawthorne Street  
San Francisco, CA 94105-3901

CONFIRMATION OF FAX

Re: Pacific Airmotive Corporation

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Thank you for your cooperation.

Sincerely,

  
Jerome C. Muys, Jr.



JEROME C. MUYS, JR.  
ATTORNEY-AT-LAW

SWIDLER  
&  
BERLIN  
CHARTERED

DIRECT DIAL  
(202)424-7547

March 3, 1994

VIA TELECOPY FAX 415-744-1040 (or 1041)

CONFIRMATION OF FAX

Thomas Mintz, Esq.  
USEPA Region IX  
Office of Regional Counsel  
75 Hawthorne Street  
San Francisco, CA 94105-3901

Dear Tom:

This is to confirm that we will meet on Wednesday,  
March 9, 1994, at 1:30 p.m. at your offices to discuss the CERCLA  
§ 106 Order that was recently issued to Pacific Airmotive  
Corporation. We look forward to meeting with you.

Very truly yours,

  
Jerome C. Muys, Jr.

JCM/lc

cc: Mr. William F. Gross  
Mr. Rus Purcell  
Mr. A. N. Charaf  
Richard H. Lange, Esq.  
Thomas N. Downs, Esq.

PRIVILEGED AND CONFIDENTIAL  
ATTORNEY WORK PRODUCT  
DO NOT RELEASE

MEMORANDUM

SUBJECT: BBOU — Pacific Airmotive Corporation (PAC) 3/9/94 §106  
Order Opportunity to Confer meeting  
FROM: TPM  
TO: File

I. PAC's POSITION:

A. BACKGROUND

1. Relationship w/ RWQCB
  - a. Over 10 years of complying w/ RWQCB's requests, directives, orders.
  - b. 8 monitoring wells, variety of reports, about \$1 million spent.
  - c. Will cooperate w/ RWQCB if requests are "reasonable."
2. Believes that data shows that PAC is not a source of groundwater contamination.
  - a. Issue: what does PAC have to do to prove it is not a source?
  - b. PAC is next to and downgradient from Lockheed/significant source: why should PAC characterize contamination coming from Lockheed?
3. Believes that soil gas survey does not make sense given Lockheed's upgradient contamination: soil gas survey probably will show "hits", but so what?
4. PAC is in difficult financial shape.
  - a. PAC will perform soil gas survey, but wants the scope of work tied to actual or potential source areas, not site-wide.
5. PAC concedes that there are potential source areas that have yet to be fully characterized.

B. ORDER CONCERNS

1. 3003 property/jet fuel engine test cell facility should not be part of the Order.
  - a. Never used, stored, disposed of hazardous substances at this facility.

- b. No indication that any hazardous substances have been discovered at this facility.
  - c. Jet fuel is w/in the petroleum exclusion.
2. Disagrees w/ endangerment characterization in that the scope of work should be tied to a release or threat of release (i.e., source areas or potential source areas).
  3. Disagrees w/ nitrate testing and financial provisions.
  4. Groundwater monitoring start date is too soon.